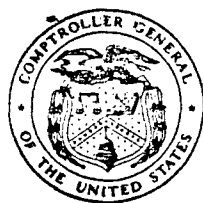


M. A. H.

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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-202050

DATE: October 9, 1981

MATTER OF: Captain Wooten A. York, USAR

DIGEST: An Army officer transported some household goods in his automobile by ferry across the English Channel returning from Germany to the United States rather than having them shipped by the Government with the rest of his household goods. His claim for reimbursement for the ferry charge on the basis that it was incurred primarily to get his household goods across the Channel is not allowed. He chose to drive his automobile via that route and take the goods with him as baggage for his personal convenience. The ferry charge was based on a per-vehicle rate including passengers, and baggage; therefore, the goods are considered baggage carried free for which the regulations provide no transportation entitlements. The reimbursement he received for his personal travel is all that he was entitled to.

Captain Wooten A. York, USAR, appeals the denial of his \$129 claim for transportation of 500 pounds of household goods incident to his return from Germany to the United States for separation from the Army. The \$129 is the fare he paid for use of the ferry which transported him and his automobile (in which he carried the household goods) from Calais, France, to Dover, England. For the reasons set forth in the following discussion, we sustain the denial of the claim.

Captain York's orders relieving him from active duty and providing for his and his dependents' return to the United States authorized shipment of his automobile and household goods by the Government. The orders provided that he and his dependents could travel at personal expense by United States flag commercial carriers over any route they chose and claim reimbursement. The orders also noted that Captain York would be sailing his own boat from England to the United States

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and provided that reimbursement for transoceanic travel would not exceed the current Military Airlift Command tariff rate from Rhein Main Air Force Base, Germany, to Charleston Air Force Base, South Carolina.

Captain York drove his automobile from Germany to England using the Calais to Dover ferry to cross the English Channel. Most of his household goods were shipped to the United States from Germany by the Government. However, he estimates that he took about 500 pounds with him in his automobile. He variously described these goods as mainly marine equipment for the boat which he returned to the United States in, or as luggage. The transportation officer in Frankfurt, Germany, responsible for arranging Captain York's move, stated that Captain York was not advised to make this shipment at personal expense and indicated that the shipment would have cost \$36.20 had the goods been shipped by the Government.

Our Claims Group disallowed the claim on the basis that personal baggage carried free on tickets of passenger carriers is not considered household goods for purposes of transportation entitlements. It was also indicated that the ferry used was a foreign flag ship which may not be used for United States Government transportation without a certificate showing the unavailability or impracticability of the use of a United States registered vessel.

Captain York indicates in essence that since he moved the goods himself rather than having the Government ship them, he should at least be reimbursed the ferry fare. He states that the primary reason he took the goods with him in his automobile was to get them to his boat in England so that he could depart for the United States within a short period of time. He states that Government transportation would have delayed delivery of the equipment so that the British government would have levied additional value added tax on the boat. Thus, he argues that the primary reason for the ferry trip was transportation of

the goods and not for personal transportation. Captain York also points out that the charge for passage on the Channel ferry is assessed per car--up to four passengers ride free--therefore, the entire cost of the ferry trip should be attributable to the transportation of the goods. He also argues that there are no United States registered vessels operating between England and France so the restriction on use of foreign vessels should not apply in his case.

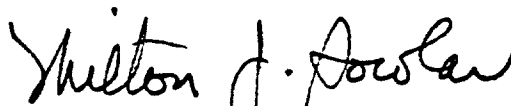
Entitlement to travel and transportation of members of the uniformed services, their dependents, baggage and household effects is provided under 37 U.S.C. §§ 404 and 406 (1976), subject to the conditions and limitations, and to and from such places prescribed by the Secretaries concerned. Regulations implementing those statutes are found in Volume 1, Joint Travel Regulations (1 JTR).

Under those regulations and the orders he received for his travel Captain York was entitled to be reimbursed on the basis of a mileage allowance for the distance from his duty station in Germany to the appropriate aerial port of embarkation (Rhein Main Air Force Base) and the Military Airlift Command tariff rate to Charleston, although he chose to travel by a different route. See 1 JTR, paragraph M4159-1. Presumably he was reimbursed for his personal travel on that basis. Transportation of his household goods was authorized to be furnished by the Government at Government expense and a transportation officer was available in Germany to arrange it.

Captain York, for personal reasons, chose to drive from Germany to England and to take some of his goods with him in his automobile as luggage rather than have them shipped by the Government. The goods were carried in the automobile with Captain York and the ferry fare he incurred was charged per vehicle; no separate or additional charge was made for the goods. Therefore, regardless of whether or not a United States flag vessel was available, we consider these goods as baggage carried free in the automobile and as such they are not considered household goods for the purpose of transportation entitlements. See 1 JTR Appendix J, Household Goods.

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Accordingly, Captain York's claim may not be paid
and the Claims Group's disallowance is sustained.

A handwritten signature in cursive script, reading "Milton J. Fowler".

Acting Comptroller General
of the United States